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BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

In accordance with this Court's Order of March 13, 2023 (ECF No. 511) (the "Order"), defendants the City of New York ("City") and the New York City Department of Correction ("DOC" or "the Department") (collectively "defendants") write to provide an update regarding the "status of their continued efforts to implement reliable Intake tracking systems for new admissions and inter/intra facility transfers," as called for the Order.

Defendants' recent efforts to enhance their implementation of reliable Intake tracking systems are detailed in the attached Declaration of Christopher Miller, DOC's Deputy Commissioner of Classification, Custody Management and Facility Operations, dated May 17, 2023 (the "Declaration"). As set forth in the Declaration, since Deputy Commissioner Miller's prior Declaration of April 17, 2023 (ECF No. 519), the Department continues to use the New Admission Dashboard (the "Dashboard") to track new admission Intake at the Eric M. Taylor Center ("EMTC") and the Rose M. Singer Center ("RMSC").

For new admission intake, the Dashboard indicates that the Department is meeting its 24-hour obligation for new admissions. The Dashboard indicates that 1,467 new male admissions were housed in EMTC during that 28-day period, an average of 52 a day. Declaration ¶ 4. Of those, only 8 (0.5 %) were housed beyond 24 hours, and the average time was 15.5 hours, excluding clock stoppages. *Id.* For seven of the eight outliers, their time to housing did not exceed 25 hours and 3 minutes. Two of the seven were delayed in order to obtain translation services, and two others were delayed when an incident in the clinic required its closure for more

than an hour. *Id.* ¶ 4. For RMSC, the Dashboard shows 145 new admissions were housed in RMSC during the 28-day period, an average of less than 6 per day, all within 24 hours. *Id.* ¶ 5.

The Department has also continued its audits of the Dashboard using review of Genetech video from EMTC to compare the Dashboard data with the actual arrival and departure times of new admissions. *Id.* ¶ 6. During the 28-day period, there were two audits, one on April 23, 2023, and one on May 9, 2023. On April 23, 10 individuals were tracked. *Id.* All 10 were housed within 24 hours. For all 10, the arrival time and housing time as shown on the Dashboard coincided with the Genetec times within the 20 minute grace period. *Id.*

On May 9, 2023, ten individuals were tracked at EMTC and all were housed within 24 hours. *Id.* ¶ 7. Five Dashboard housing times coincided with the Genetec arrival time within 20 minutes; the other five did not. *Id.* ¶ 7. Additionally, six of the housing times coincided with the Genetec housing time; the other four did not. The Department is evaluating the reasons for the discrepancies and will take corrective action as appropriate. *Id.*

Accordingly, the audits provide strong evidence that the Dashboard tracking system is reliable as required by the Intake Tracking Clause in the Second Remedial Order, ¶ 1(1)(C). *See* Order at 8 (defining “Intake Tracking Clause”). Even where the audits found that the Dashboard time was incorrect, all of those individuals were housed within 24 hours.

The Department has also made significant progress in tracking the Intake process when individuals are transferred between or within facilities (“inter/intra-facility transfers”). For this tracking, the Department is using the Inmate Tracking System (“ITS”). *See* Declaration ¶ 8. As reported in the previous status report, the Department has established a team of five officers to monitor the inter/intra facility intake process. The team gives the Department coverage around the clock, 24 hours a day, 7 days a week. *Id.* ¶ 8. Additionally, each facility now has an expeditor on each shift to ensure that data is entered into ITS. *Id.* ¶ 9. A member of the team receives information every four hours, including the name and book and case number of each individual in each intake pen, the reason that they are there, and the time of their arrival. The team member also receives screenshots of the ITS system and the Genetec system for each facility and confirms that the information is consistent with the four-hour report. If the information is not complete or is inconsistent, the team member calls the facility for an explanation. If more than four hours have elapsed, the member contacts the facility, as well as an Associate Commissioner, to take steps to expedite movement. *Id.*

The Department is using the ITS system to produce internal reports on Inter/Intra-Facility intake. *Id.* ¶ 10. On May 16, the data for 60 inter-facility transfers shows that the average time in intake (counting the time in both the sending facility and the receiving facility) was 3.3 hours, and the maximum time was 8.9 hours. The data for 13 intra-facility transfers shows an average time of 3.3 hours, and a maximum time of 8.2 hours. Thus, the data shows that individuals spend significantly less than 24 hours in Inter/Intra-Facility Intake.

These facts, and the additional details set forth in Deputy Commissioner Miller's Declaration, show that the Department continues to take meaningful steps to comply with the Intake Tracking Clause, building on its prior significant efforts noted by the Court. *See* Order at 27.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: BY ECF (w/encl.)
All counsel of record